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8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No.

**2012-733**

12 **MICHELLE RENEE LANGSTON,**  
13 **a.k.a., MICHELLE R. LANGSTON**  
11600 Show Ring Lane  
Bakersfield, CA 93312

**A C C U S A T I O N**

14 Registered Nurse License No. 579878

15 Respondent.

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18 Complainant alleges:

19 **PARTIES**

- 20 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her  
21 official capacity as the Interim Executive Officer of the Board of Registered Nursing ("Board").  
22 2. On or about April 16, 2001, the Board issued Registered Nurse License No. 579878  
23 to Michelle Renee Langston, a.k.a., Michelle R. Langston, ("Respondent"). The Registered  
24 Nurse License was in full force and effect at all times relevant to the charges brought herein and  
25 will expire on October 31, 2012, unless renewed.

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"(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

"(c) Be convicted of a criminal offense involving the prescription, consumption, or self-administration of any of the substances described in subdivisions (a) and (b) of this section, or the possession of, or falsification of a record pertaining to, the substances described in subdivision (a) of this section, in which event the record of the conviction is conclusive evidence thereof. . . ."

8. Code section 2764 provides that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811, subdivision (b), the Board may renew an expired license at any time within eight (8) years after the expiration.

## REGULATORY PROVISION

9. California Code of Regulations, title 16, section 1444 states, in pertinent part:

“A conviction or act shall be considered to be substantially related to the qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the present or potential unfitness of a registered nurse to practice in a manner consistent with the public health, safety, or welfare. . . .”

## COST RECOVERY

10. Code section 125.3 provides that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Convictions of Substantially Related Crimes)**

3 11. Respondent is subject to disciplinary action under Code sections 490 and 2761,  
4 subdivision (f), in conjunction with California Code of Regulations, title 16, section 1444, in that  
5 Respondent was convicted of crimes substantially related to the qualifications, functions or duties  
6 of a registered nurse which to a substantial degree evidence her present or potential unfitness to  
7 practice in a manner consistent with the public health, safety, or welfare, as follows:

8 a. On or about July 15, 2011, after pleading nolo contendere, Respondent was convicted  
9 of one misdemeanor count of violating Vehicle Code section 23152(a) [drive with an equal to or  
10 greater than 0.08% blood alcohol content (BAC)] in the criminal proceeding entitled *The People*  
11 *of the State of California v. Michelle R. Langston* (Super. Ct. Kern County, 2011, No.  
12 BM785995A). The Court sentenced Respondent to 45 days in jail, placed her on three (3) years  
13 of probation, ordered her to complete the Victim Impact Panel, monitored by Mothers Against  
14 Drunk Driving (MADD), and ordered her to install an Ignition Interlock Device on her vehicle.  
15 The circumstances underlying the conviction are that on or about April 1, 2011, Respondent  
16 drove a vehicle while under the influence, with a BAC of 0.13%.

17 b. On or about May 23, 2008, after pleading nolo contendere, Respondent was convicted  
18 of one misdemeanor count of violating Vehicle Code section 23103.5(a) [reckless driving – wet  
19 reckless] in the criminal proceeding entitled *The People of the State of California v. Michelle*  
20 *Renee Langston* (Super. Ct. Kern County, 2007, No. BM716374A). The Court sentenced  
21 Respondent to two (2) days in jail, placed her on three (3) years probation, and ordered her to  
22 complete a Licensed Alcohol Education Program. The circumstances underlying the conviction  
23 are that on or about August 13, 2007, Respondent drove a vehicle while under the influence, with  
24 a BAC of 0.15%.

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1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Alcohol Related Convictions)**

3 12. Respondent is subject to disciplinary action under Code sections 2761, subdivision  
4 (a), and 2762, subdivision (c), on the grounds of unprofessional conduct, in that on or about May  
5 23, 2008, and on or about July 15, 2011, Respondent was convicted of alcohol related crimes.  
6 Complainant refers to and by this reference incorporates the allegations set forth above in  
7 paragraph 11, subparagraphs a and b, inclusive, as though set forth fully.

8 **THIRD CAUSE FOR DISCIPLINE**

9 **(Dangerous Use of Alcohol)**

10 13. Respondent is subject to disciplinary action under Code sections 2761, subdivision  
11 (a), and 2762, subdivision (b), on the grounds of unprofessional conduct, in that on or about  
12 August 13, 2007, and on or about April 1, 2011, Respondent used alcoholic beverages  
13 dangerously and to an extent or in a manner dangerous or injurious to herself or others.  
14 Complainant refers to and by this reference incorporates the allegations set forth above in  
15 paragraphs 11 - 12, inclusive, as though set forth fully.

16 **FOURTH CAUSE FOR DISCIPLINE**

17 **(Unprofessional Conduct – Violate Nursing Practice Act)**

18 14. Respondent is subject to disciplinary action under Code sections 2761, subdivisions  
19 (a) and/or (d), in that Respondent committed acts of unprofessional conduct and/or act violating  
20 the Nursing Practice Act. Complainant refers to and by this reference incorporates the allegations  
21 set forth above in paragraphs 11 - 13, inclusive, as though set forth fully.

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1 **PRAYER**

2 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
3 and that following the hearing, the Board issue a decision:

4 1. Revoking or suspending Registered Nurse License No. 579878, issued to Michelle  
5 Renee Langston;

6 2. Ordering Michelle Renee Langston to pay the Board the reasonable costs of the  
7 investigation and enforcement of this case, pursuant to section 125.3; and

8 3. Taking such other and further action as deemed necessary and proper.  
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10 DATED: June 7, 2012

11 Louise R. Bailey  
12 LOUISE R. BAILEY, M.ED., RN  
13 Interim Executive Officer  
14 Board of Registered Nursing  
15 State of California  
16 Complainant  
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